

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPCO LLC, OPENAI GLOBAL LLC,  
OAI CORPORATION, LLC, OPENAI  
HOLDINGS, LLC,

Defendants.

No. 1:23-cv-11195-SHS-OTW

Hon. Sidney H. Stein

**OPENAI'S MOTION FOR LEAVE TO FILE UNDER SEAL**

Under paragraph 22 of the Protective Order in this case (ECF 127) and Section 5.B of this Court's Individual Practices, Defendant OpenAI<sup>1</sup> respectfully seeks to provisionally file under seal a portion of its letter-motion and accompanying exhibits. The letter-motion seeks a pre-motion conference to address the New York Times's ("The Times") refusal expand the date range of documents collected for six ESI custodians. OpenAI seeks to file portions of the letter-motion and accompanying exhibits under seal because the letter-motion discusses, and the accompanying exhibits contain, documents that the Times designated as Protected Discovery Material under the Protective Order. ECF 127 ¶ 22. OpenAI does not affirmatively seek to seal any material. Under the Protective Order, the Times has five business days to file a statement of

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<sup>1</sup> "OpenAI" refers collectively to Defendants OpenAI, Inc.; OpenAI LP; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo, LLC; OpenAI Global LLC; OpenAI Corporation LLC; and OpenAI Holdings, LLC.

reasons for why the material should be sealed. *Id.* OpenAI will review the Times's filings, and if necessary, confer about any disagreement.

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

Dated: March 31, 2025

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